

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

AIMEE SMITH, )  
                        )  
Plaintiff,         )  
                        )  
v.                    )      **Case No. CV-2:06-CV-00027-CSC**  
                        )  
KENTUCKY FRIED CHICKEN, )  
                        )  
Defendant.         )

**ARBITRATION STATUS REPORT**

COMES NOW, Defendant KFC U.S. Properties, Inc.<sup>1</sup>, by and through its undersigned attorneys, and respectfully submits this written status report regarding arbitration proceedings pertaining to the above matter, pursuant to the Court's request in its June 7, 2006, Order.

To date, Plaintiff has not initiated arbitration proceedings. On July 7, 2006, Plaintiff appealed to the United States Court of Appeals for the Eleventh Circuit this Court's June 7, 2006, Order granting Defendant's motion to compel arbitration and motion to stay the proceedings. On August 16, 2006, Plaintiff moved the Court of Appeals to withdraw the appeal as premature. Because Defendant had alerted Plaintiff that the appeal was premature, it moved for an award of just

---

<sup>1</sup> Defendant is incorrectly named in the style of the Complaint as Kentucky Fried Chicken.

damages (relating to filings Defendant was forced to prepare before Plaintiff's motion to withdraw) pursuant to Federal Rule of Appellate Procedure 38 on August 31, 2006.

Respectfully submitted this 1st day of September, 2006.

*/s/ Thomas A. Davis*

---

Thomas Davis (ASB-5877-S56T)  
E-Mail: [tdavis@constangy.com](mailto:tdavis@constangy.com)  
Direct Dial: 205-226-5465  
**CONSTANGY, BROOKS AND SMITH, LLC**  
One Federal Place, Suite 900  
1819 Fifth Avenue North  
Birmingham, Alabama 35203  
Facsimile: 205-323-7674

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that on the 1<sup>st</sup> day of September, 2006, the undersigned electronically filed the foregoing Arbitration Status Report using the CM/ECF system that will send notification of such filing to the following:

Priscilla Black Duncan, Esq.  
P.B. Duncan & Associates, LLC  
472 South Lawrence Street Suite 204  
Montgomery, AL 36104

Alicia Kay Haynes, Esq.  
Haynes & Haynes, PC  
1600 Woodmere Drive  
Birmingham, AL 35226

/s/ Thomas Davis  
Counsel of Record